<center>REMARKS</center>

Claims 1, 11 and 12 are amended herein. Claims 1-21 remain pending in the present application. No new matter has been added.

<center>Claim Rejections 35 U.S.C. §101</center>

The present office action states that Claims 1, 16 are rejected under 35 U.S.C. §101 because the claimed invention lacks patentable utility. Applicants respectfully overcome in part and disagree in part.

Regarding Independent Claim 1, Applicants have amended Independent Claim 1 herein. Therefore, Applicants respectfully submit that the rejection of Claim 1 under 35 U.S.C. §101 is overcome.

Regarding Independent Claim 16, Applicants respectfully submit that Claim 16 does indeed provide a tangible result. Applicants point out that claim 16 includes the features whether a further segment of content is to be admitted or denied to said proxy cache based on the "average view length". Therefore, Applicants respectfully submit that Claim 16 does, in fact, present a useful result.

<center>Claim Rejections - 35 U.S.C. §102</center>

The present office action states that Claims 1-2, 5-6 and 15-17 are rejected under 35 U.S.C. § 102(e) as being anticipated Gaurav Banga, Frederick Douglis, Hosagrahar Visvesvaraya Jagadish And Michael Rabinovich's "Method for Transferring and Displaying Data Pages on a Data Network", published in October 2001 (hereinafter Banga). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-2, 5-6 and 15-17 are not anticipated by Banga for the following rationale.

Claims 1 and 16 include the features of "deriving the normally utilized size" and "calculating the average view length" respectively.

Applicants have reviewed Banga and do not understand Banga to anticipate the feature of "deriving the normally utilized size" and "calculating an average view length" of a content object. In contrast, Applicants understand Banga to teach a system of one or more proxy servers and remote proxy server determining whether to send only the new difference data or the whole new content object.

Therefore, Applicants respectfully state that the feature of "deriving the normally utilized size" and "calculating the average view length" of Independent Claims 1 and 16 respectively, are not anticipated by Banga and as such, Claims 1 and 16 are allowable as they overcome the rejection under 35 U.S.C. § 102(e).

With respect to Claims 2, 5 and 6, Applicants respectfully state that Claims 2, 5 and 6 depend from the allowable Independent Claim 1 and recite further features of the present claimed invention. With respect to Claim 15, Applicants respectfully point out that Claim 15 depends from the allowable Independent Claim 11 and recite further features of the present claimed invention. With respect to Claim 17, Applicants respectfully point out that Claim 17 depends from the allowable Independent Claim 16 and recite further features of the present claimed invention. Therefore, Applicants respectfully state that Claims 2, 5-6, 15 and 17 are allowable as pending from allowable base Claims.

Rejection under 103(a)

Claims 3, 7-9, 12, 14, 18 and 20-21

In the Office Action, the Examiner rejected Claims 3, 7-9, 12, 14, 18 and 20-21 under 35 USC 103(a) as being unpatentable over Banga in view of Wolf. Applicants have reviewed the cited reference and respectfully submit that the present invention is not rendered obvious over Banga in view of Wolf for the following rationale.

Claims 1, 11 and 16 include the features "deriving the normally utilized size", "prioritizing said first content object and other content objects respectively based on a utility value" and "calculating the average view length." Applicants have reviewed Banga and do not understand Banga to teach the feature of prioritizing content objects based on utility. Moreover, the combination of Banga and Wolf fails to teach or suggest this claim limitation because Wolf does not overcome the shortcomings of Banga.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).

Applicants understand Wolf to teach a system for caching the beginning segments of media streams. In particular, Applicants respectfully assert that Wolf does not teach, describe, or suggest prioritizing content objects based on utility as claimed. In fact, Applicants respectfully assert that Wolf teaches away from caching only based on utility because Applicants understand Wolf to teach caching the beginning segments. Therefore, Applicants respectfully assert that Wolf does not teach, disclose, or suggests the claimed embodiments.

With respect to Claims 3 and 7-9, Applicants respectfully state that Claims 3 and 7-9 depend from the allowable Independent Claim 1 and recite further features of the present claimed invention.

With respect to Claims 12 and 14, Applicants respectfully state that Claims 12 and 14 depend from the allowable Independent Claim 11 and recites further features of the present claimed invention.

With respect to Claims 18 and 20-21, Applicants respectfully state that Claims 18 and 20-21 depend from the allowable Independent Claim 16 and recites further features of the present claimed invention.

Therefore, Applicants respectfully state that Claims 3, 7-9, 12, 14, 18 and 20-21 overcome the rejection under 35 U.S.C. §103(a) as being unpatentable over Banga in view of Wolf. As such, Applicants respectfully submit that Claims 3, 7-9, 12, 14, 18 and 20-21 are allowable as pending from allowable base Claims and reciting additional features.

Claims 4, 11, 13 and 19

In the Office Action, the Examiner rejected Claims 4, 11, 13 and 19 under 35 USC 103(a) as being unpatentable over Banga in view of Gampper. Applicants have reviewed the cited reference and respectfully submit that the present invention is not rendered obvious over Banga in view of Gampper for the following rationale. Applicants do not understand Banga or Gampper to teach prioritizing content based the normally utilized value or average view length.

With respect to Claim 4, Applicants respectfully state that Claim 4 depends from the allowable Independent Claim 1 and recite further features of the present claimed invention.

With respect to Claim 11, Applicants have amended Independent Claim 11 herein to include the feature "prioritizing said first content object and other content objects respectively based on a utility value." Support for this amendment can be found throughout the Specification including page 13 lines 3-30 and page 14 lines 1-5 and 21-27.

Applicants have reviewed Banga and do not understand Banga to teach the feature of prioritizing content objects based on utility. Moreover, the combination of Banga and Gampper fails to teach or suggest this claim limitation because Gampper does not overcome the shortcomings of Banga.

Applicants understand Gampper to teach a system for accessing secondary storage if the access delay is less than the delay to receive a content object. In particular, Applicants respectfully assert that Gampper does not teach, describe, or suggest prioritizing content objects based on utility as claimed. Therefore, Applicants respectfully assert that Gampper does not teach, disclose, or suggests the claimed embodiments.

Applicants respectfully assert that nowhere does the combination of Banga and Gampper teach, disclose or suggest the present invention as recited in independent Claim 11. Therefore, claim 11 overcomes the rejection under 35 U.S.C. § 103(a), and is thus in condition for allowance.

With respect to Claim 13, Applicants respectfully state that Claim 13 depends from the allowable Independent Claim 11 and recites further features of the present claimed invention.

With respect to Claim 19, Applicants respectfully state that Claim 19 depends from the allowable Independent Claim 16 and recite further features of the present claimed invention.

Therefore, Applicants respectfully state that Claims 4, 11, 13 and 19 overcome the rejection under 35 U.S.C. §103(a) as being unpatentable over Banga in view of Gammper. As such, Applicants respectfully submit that Claims 4, 13 and 19 are allowable as pending from allowable base Claims and reciting additional features.

Rejection under 112

Claims 1 and 4-6

In the Office Action, the Examiner rejected Claims 1 and 4-6 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Specifically, the phrase "normally utilized size" is rejected as being unclear. Applicants have amended Independent Claim 1 herein. Therefore, Applicants respectfully submit that the rejection of Claim 1 under 35 U.S.C. §112 is overcome.

With respect to Claims 4-6, Applicants respectfully state that Claims 4-6 depend from the allowable Independent Claim 1 and recites further features of the present claimed invention.

Therefore, Applicants respectfully state that Claims 4-6 overcome the rejection under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. As such, Applicants respectfully submit that Claims 4-6 are allowable as pending from allowable base Claims and reciting additional features.

Claims 8-10, 12, 14 and 20-21

In the Office Action, the Examiner rejected Claims 8-10, 12, 14 and 20-21 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Specifically, the phrase "utility" is rejected as being unclear. Applicants respectfully submit that "during patent examination, the

pending claims must be "given their broadest reasonable interpretation consistent with the specification." In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)" (MPEP 2111). Support for the phrase "utility" can be found throughout the Specification including page 6 line 39 - page 7 line 20, page 12 lines 8-9 and page 13 lines 3-31. Applicants respectfully assert that the phrase "utility" is clear and is in compliance with the written description requirement.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-21 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: 9/18/06

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